IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

WP(C).No. 31714 of 2006(A)

OAK.99/1999 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

KANAKAMMA SATHINDRANATH,
W/O.K.M.SATHINDRANATH, KUNNATH HOUSE,
POLLATHAI POST, VALAVANAD, ALAPPUZHA DISTRICT.

BY ADV. SMT.T.D.RAJALAKSHMI
SRI.RANJIT SREENIVAS

RESPONDENTS:

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1. THE GENERAL MANAGER,
THE LORD KRISHNA BANK LIMITED,
INDIAN EXPRESS BUILDING, ERNAKULAM,
KALOOR, COCHIN-17.

2. THE BRANCH MANAGER,
THE LORD KRISHNA BANK LTD.,
CHERTHALA BRANCH, CHERTHALA.

3. THE DEBTS RECOVERY TRIBUNAL,
KERALA, KERALA HOUSING BOARD BLDG.,
PANAMPALLY NAGAR, COCHIN-682 036.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).NO.31714 of 2006-A

Dated this the 30th day of November, 2006

JUDGMENT

The petitioner is the judgment debtor in the decree passed by the Debts Recovery Tribunal in OAK No.99 of 1999. On the motion of the decree holder, steps are being taken to execute the decree. For drawing up draft proclamation it is posted to February, 2007, submits the petitioner. The property which is offered as security for the loan was given by the bank on lease to a third party. According to the petitioner, the said person removed all the goods from the factory, set it on fire and claimed insurance amount, in collusion with the bank Manager. On the information lodged by the petitioner, a crime has been registered against the Branch Manger and the lessee of the premises. Later, Police referred the matter and filed final report under Sec.173 Cr.P.C. The petitioner now filed a complaint before the Court having jurisdiction to try the offence. It is also submitted that the said complaint has been taken to file as C.C.No.1213 of 2006 and the accused in that case including the second respondent appeared through counsel. This writ petition

is filed seeking a writ of prohibition to the third respondent Debts Recovery Tribunal, to stop further execution proceedings in O.A.K.99 of 1999 till the trial of the said case is over.

2. I find that the trial of that case has nothing to do with the execution proceedings in the above-said case. The petitioner has not brought to my notice any statutory provision enabling him to seek stay of execution proceedings, on the ground that a criminal case is pending which has some remote connection with the subject matter of the OAK. In view of the above position, no interim relief can be granted to the petitioner.

Accordingly, the writ petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,JUDGE.

MS